

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|--------------------------|---|----------------------------|
| ANDRULIS PHARMACEUTICALS |) | |
| CORPORATION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 13-cv-01644 (RGA) |
| CELGENE CORPORATION, |) | |
| |) | |
| Defendant. |) | |
| |) | |

ENTRY OF FINAL JUDGMENT

Whereas, Plaintiff Andrulis Pharmaceuticals Corporation (“Andrulis”) brought this action for infringement of U.S. Patent No. 6,140,346 (“’346 patent”) and asserted claim 2 against Defendant Celgene Corporation (“Celgene”) and there are no other asserted patent claims or other causes of action filed by Andrulis pending;

Whereas, on June 26, 2015, this Court issued a Memorandum Opinion (D.I. 149) finding claim 2 of the ’346 patent indefinite under 35 U.S.C. § 112(b) (formerly 35 U.S.C. § 112, ¶2) and therefore invalid;

Whereas, the Parties have reserved all rights to appeal and to file post judgment motions;

NOW, THEREFORE, the Court having considered all papers filed and proceedings had herein;

IT IS ORDERED and ADJUDGED 1) that, for the reasons set forth in the Memorandum Opinion, claim 2 of the ’346 patent is invalid as a matter of law; 2) that Final Judgment is entered in favor of Celgene and against Andrulis on Andrulis’s claim; 3) that all pending motions are withdrawn WITHOUT PREJUDICE and all pending counterclaims are dismissed

WITHOUT PREJUDICE; and 4) Andrulis's Complaint in this action is dismissed WITH PREJUDICE.

This ORDER AND JUDGMENT recognizes that the parties have preserved all rights to appeal and to file post judgment motions and is made without prejudice to Andrulis's and Celgene's right to appeal any issues and without prejudice to any party's right to appeal future Court orders and judgments and their rights to file motions, such as post judgment motions.

IT IS ORDERED and ADJUDGED that the Clerk is hereby directed to enter the Final Judgment upon the Civil Docket in this action.

IT IS SO ORDERED

Date: July 28, 2015



RICHARD G. ANDREWS
United States District Judge